



**City of Cambridge**  
**Community Development Department**

# **Cannabis Zoning Petition**

Presentation to Ordinance Committee  
October 2, 2018





# Interdepartment Working Group

- City Manager's Office
- Community Development
- Inspectional Services
- Law
- Public Health
- Police
- Traffic, Parking and Transportation
- Weights and Measures



# Warning: This presentation is about zoning

- **Land use controls for establishments that produce or sell cannabis**
  - Allowed locations
  - Development standards for buildings, parking, etc.
  - Development review process
- **Not discussed:**
  - Types of cannabis products
  - How/where cannabis products may be used
  - Health risks/benefits
  - Ownership and business practices



# Cannabis in Cambridge



# History

<b>November, 2012</b>	<b>Medical marijuana approved by Massachusetts ballot initiative</b>
<b>May, 2013</b>	<b>State regulations promulgated for Registered Marijuana Dispensaries (RMDs)</b>
<b>December, 2013</b>	<b>Cambridge adopts zoning for RMDs</b>
<b>August, 2016</b>	<b>First RMD permitted by Cambridge Planning Board</b>
<b>November, 2016</b>	<b>Non-medical (“adult-use”) marijuana approved by ballot initiative</b>
<b>February, 2017</b>	<b>City Council amends medical marijuana zoning citywide</b>
<b>March, 2017</b>	<b>First RMD opens in Cambridge (1001 Massachusetts Ave.)</b>
<b>July, 2017</b>	<b>State Legislature amends marijuana laws</b>
<b>March, 2018</b>	<b>State regulations promulgated by Cannabis Control Commission</b>
<b>April, 2018</b>	<b>Cannabis Control Commission begins receiving license applications</b>
<b>April-June, 2018</b>	<b>City Council discussions</b>
<b>July, 2018</b>	<b>Zoning petition referred by City Council</b>



# Today

- **38 RMDs approved for sale statewide (through July 31, 2018)**
- **Four RMDs permitted in Cambridge**  
(Three completed, one in development)
- **Many more proposed**

# Cannabis in Massachusetts

Medical	“Non-Medical” / “Adult Use” / “Recreational”
Vertically-integrated RMDs responsible for cultivation, processing, transportation, retail sales	Separately licensed cultivators, manufacturers, transporters, retailers
Not-for-profit, non-taxable	17% state sales tax + up to 3% local option
Allows local controls by zoning and other ordinances	Allows local controls, but requires local vote to prohibit or limit retailers to less than 20% of package store liquor licenses where majority voted for 2016 initiative
“Letter of non-opposition” required	“Host community agreement” required
500-foot buffer from schools or “facilities where children commonly congregate,” except municipalities may specify reduced distance	500-foot buffer from K-12 schools only, except municipality may specify other distance
Registration with Mass. Dept. of Public Health	Licensed by Cannabis Control Commission



# Cannabis in Massachusetts

Separate laws for medical and non-medical, but ...

- **RMDs may be licensed to produce/sell for non-medical use (“co-location”) and receive priority in permitting process**
- **Regulation of RMDs transitions to Cannabis Control Commission in the future**





# Cannabis in Massachusetts

## **Economic Empowerment Applicants (State-Certified)**

- Experience in or business practices that promote economic empowerment in areas of disproportionate impact
- Eligibility criteria based on owners' residence, racial/ethnic background, past experience, and hiring practices
- Receive priority in licensing process, some fee waivers

## **Social Equity Program**

- Training and technical assistance for eligible applicants
- Licensees get recognition and some fee waivers for contributing funds or education

## **Social Consumption Establishments and Delivery Services**

- Not allowed yet, but might be in the future



# City Council Discussions

April-June, 2018: Council Special Meeting, Public Safety Committee, Neighborhood and Long-Term Planning Committee, Economic Development and University Relations Committee

Themes:

- **Don't want to be too restrictive, but mindful of unforeseen issues**
- **Promote distribution throughout city**
- **Encourage social equity, avoid policies that exclude disadvantaged populations**
- **Continue to provide medical cannabis as much as possible to benefit the public**



# Zoning Petition Overview



# Overall Approach

- Use existing base zoning
- Sales in retail districts
- Cultivation/manufacturing in industrial districts
- Dimensional, parking, signage standards per base zoning
- Change “Medical Marijuana” section to “Cannabis Uses”
- Planning Board special permit  
*(including current RMDs seeking non-medical license)*



# Types of Uses

## State License Categories:

- Marijuana Establishment
  - Marijuana Cultivator
    - Craft Marijuana Cooperative
    - Microbusiness
  - Marijuana Product Manufacturer
    - Microbusiness
  - Marijuana Retailer
  - Independent Testing Laboratory
  - Marijuana Research Facility
  - Marijuana Transporter
- Medical Marijuana Treatment Center or Registered Marijuana Dispensary or RMD

## Proposed Zoning Use Categories:

- **Cannabis Retail Store**  
(medical and/or non-medical)
- **Cannabis Production Facility**  
(medical and/or non-medical)

*Research and Testing Laboratories regulated using existing zoning for research facilities*



# Location-based Standards

- Allowed zoning districts
- Separation between establishments
- Buffers from schools, playgrounds, public youth-oriented facilities



# Districts

- Retail: All base districts that allow retail use
- Production: Industry B-2 (IB-2) district, up to 5,000 square feet per establishment

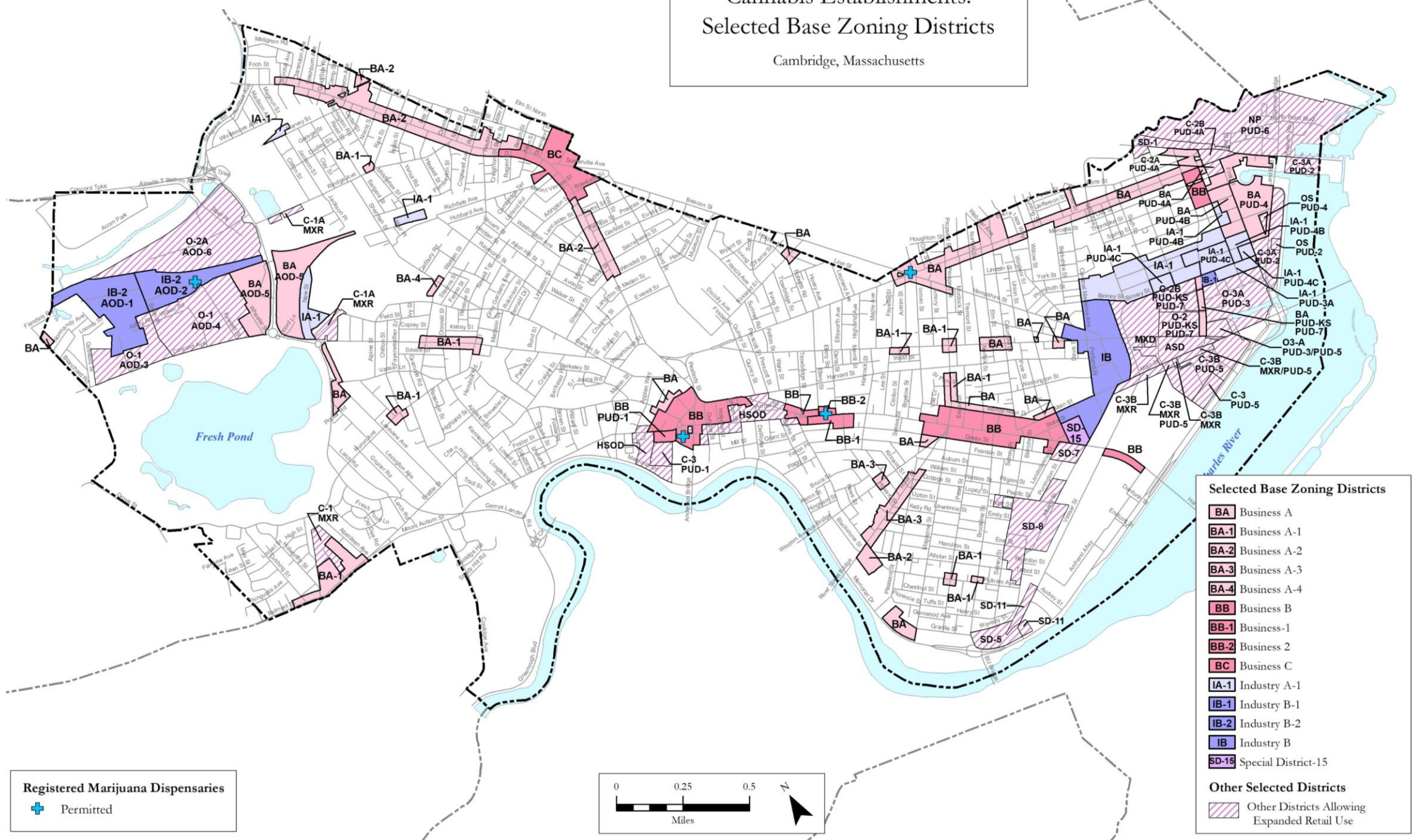
*(IB-2 is the “manufacturing” district of the City)*

## Ongoing discussion:

- Petition could be amended to include a subset of retail districts

*(Currently, RMDs not allowed in BA-1, BA-2, or BA-3)*

Cannabis Establishments:  
Selected Base Zoning Districts  
Cambridge, Massachusetts







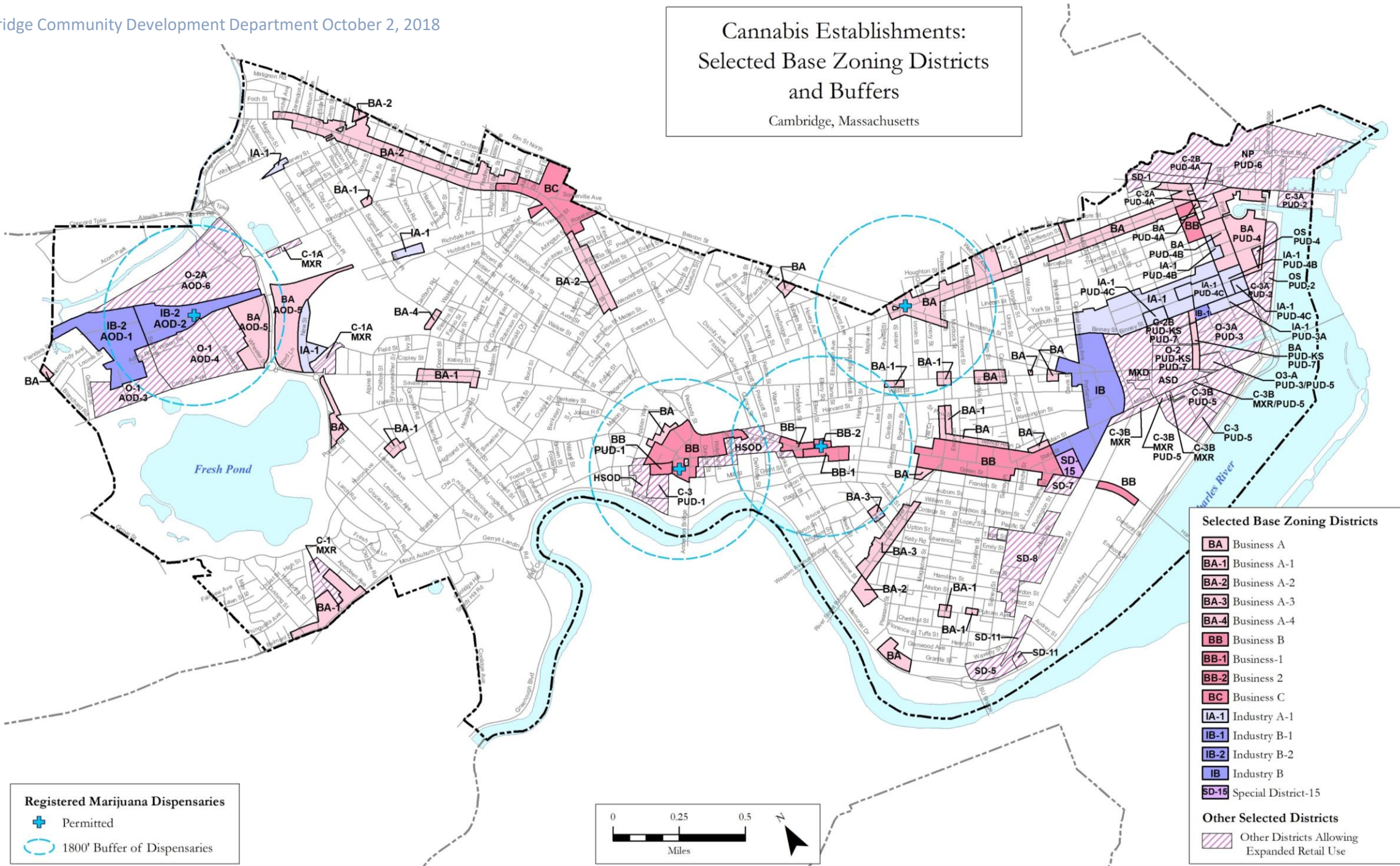
# Separation

- 1,800 feet between retail stores (current standard for medical marijuana dispensaries)
- Up to two retailers allowed within 1,800 feet of each other in core areas (Kendall, Central, Harvard, Porter, Alewife)
- Separation not required for Economic Empowerment Applicants

## Ongoing discussion:

- Is 1,800 feet an appropriate distance to promote distribution without being overly restrictive?
- Are there other circumstances where flexibility is appropriate?
- What is the process for simultaneous applications that are within 1,800 feet of each other?

Cannabis Establishments:  
Selected Base Zoning Districts  
and Buffers  
Cambridge, Massachusetts





# Buffers

- 500 feet from K-12 schools (parallels state requirement)
- 500 feet from public youth facilities – playgrounds, playing fields, rec centers
- Planning Board may reduce buffer through case-by-case review

## Ongoing discussion:

- Is 500 feet an appropriate buffer distance or could it be reduced?

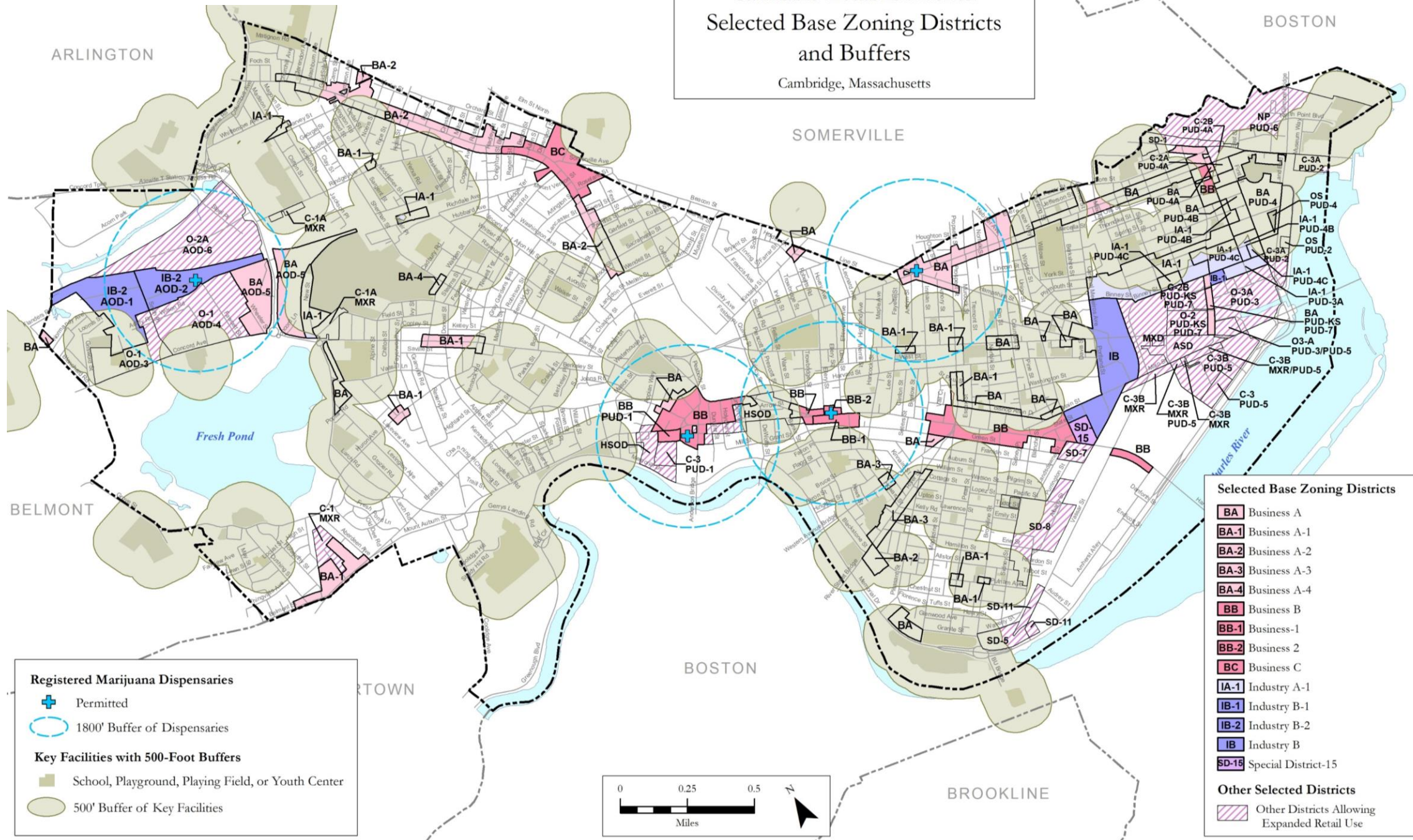
***(Planning Board recommended 300 feet)***

- Clarification on how buffer distance is measured
- What are the specific issues that need to be controlled for?

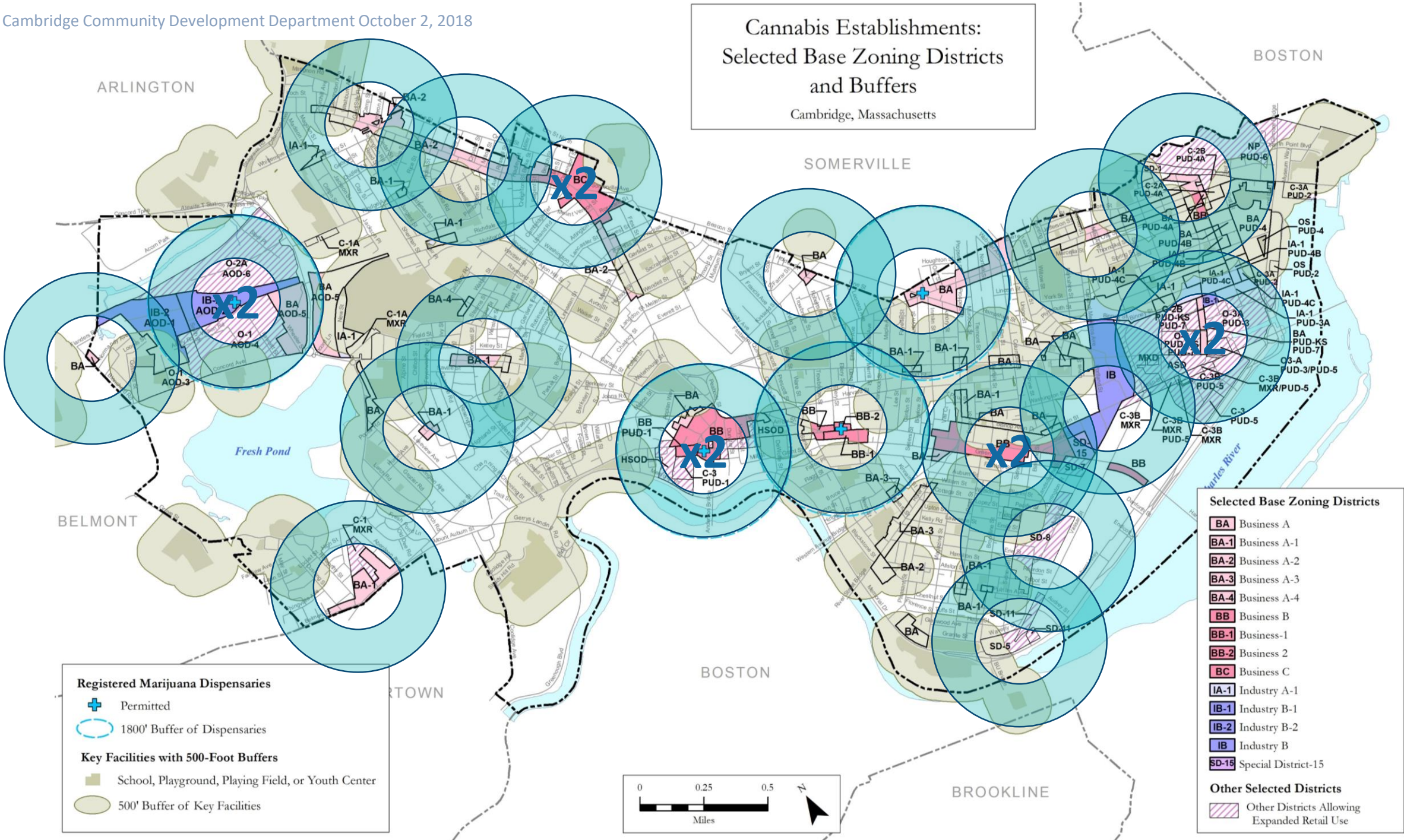


# Cannabis Establishments: Selected Base Zoning Districts and Buffers

Cambridge, Massachusetts







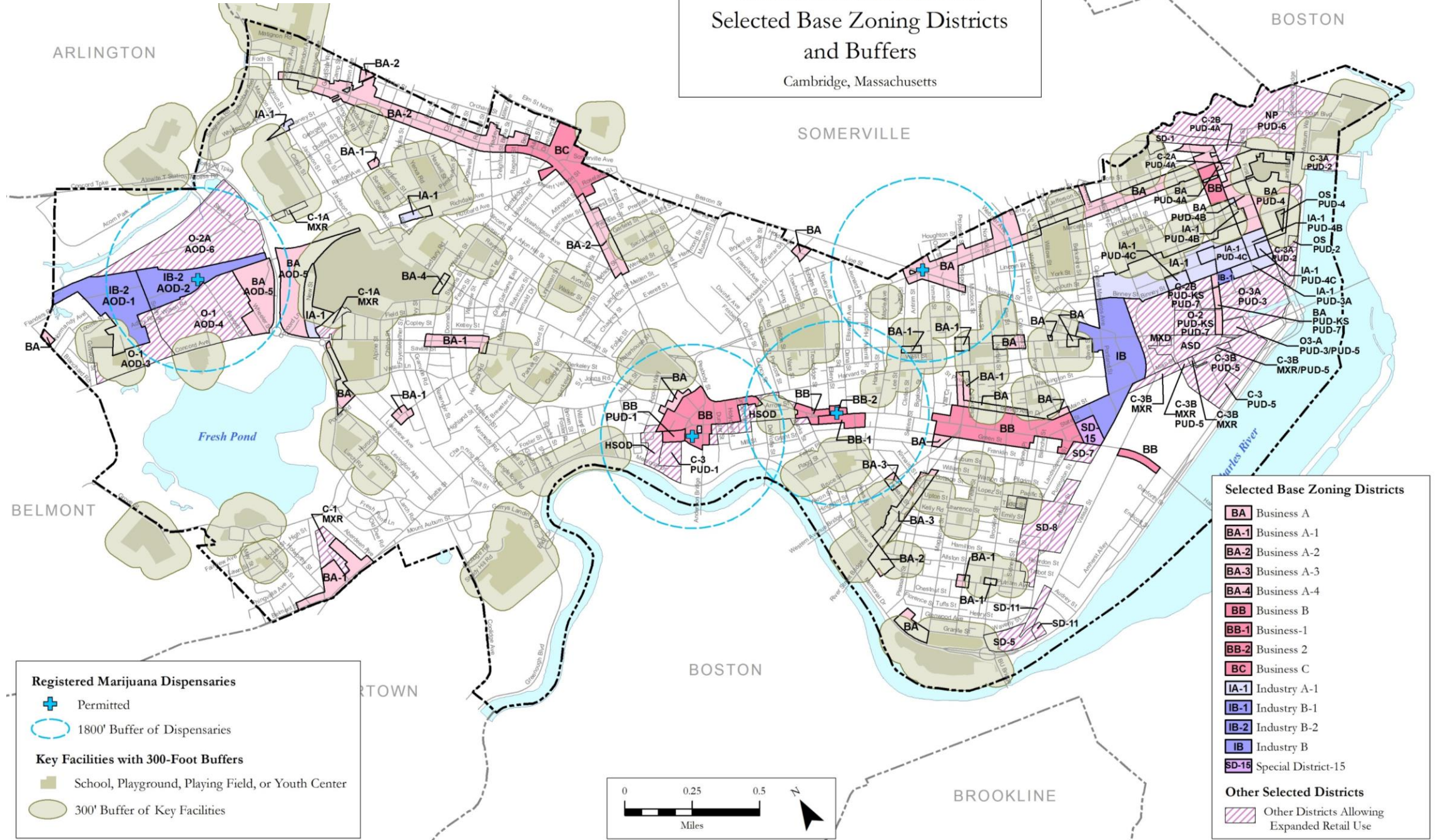




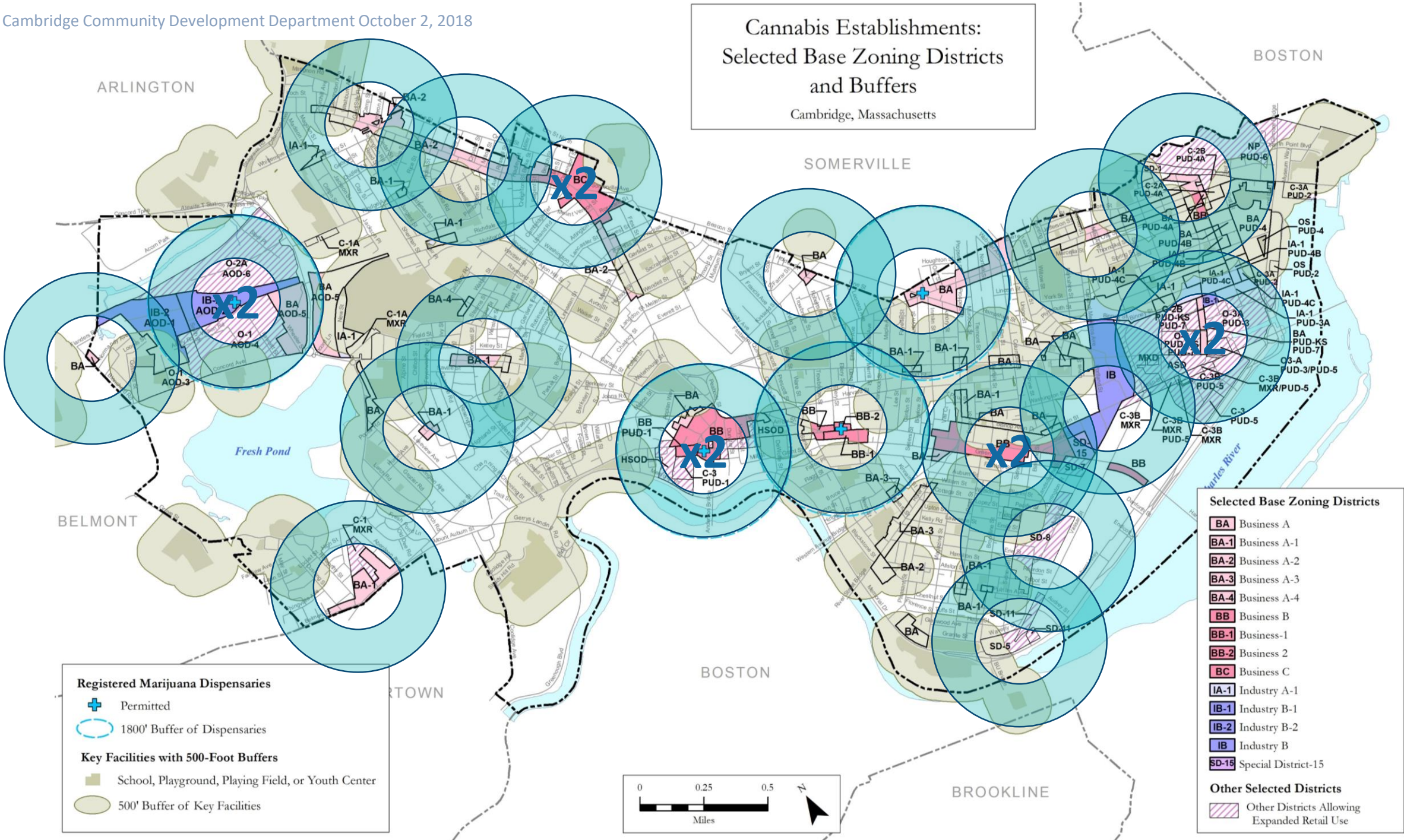


# Cannabis Establishments: Selected Base Zoning Districts and Buffers

Cambridge, Massachusetts



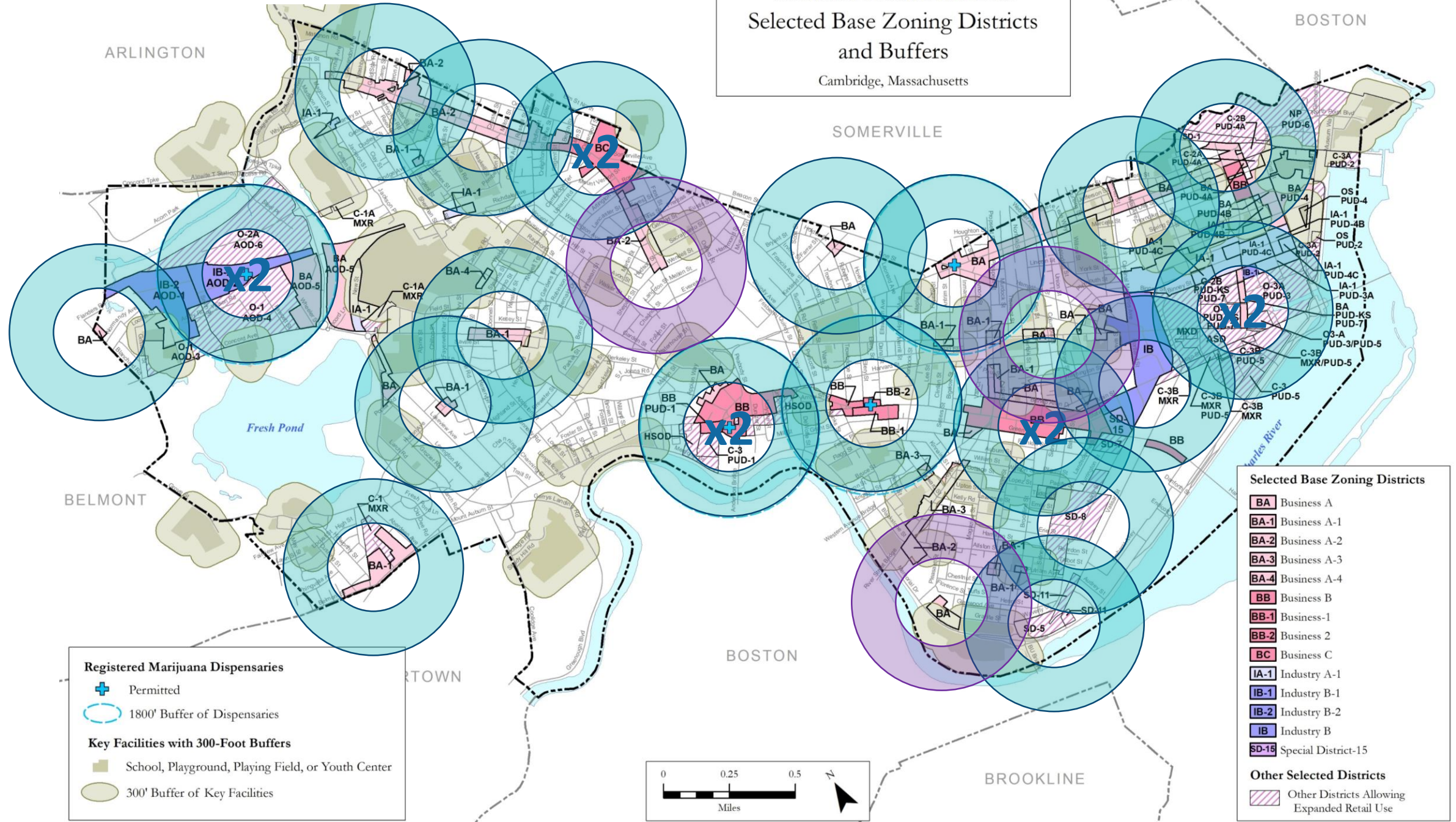






# Cannabis Establishments: Selected Base Zoning Districts and Buffers

Cambridge, Massachusetts





# Packaging

- Generally not allowed within retail stores
- Concern about controlling odors if products are packaged on-site
- Could be allowed in a “stand-alone” building that is separated from residential, institutional, office, or other retail use

## Ongoing discussion:

- Are there cases where this could be modified?



# General Special Permit Criteria (10.43)

Special permits are normally granted unless found not to be in the public interest because:

- Zoning Ordinance requirements cannot be met
- Traffic, access, or egress would cause congestion, hazard, change in character
- Operation of adjacent uses would be adversely affected
- Nuisance or hazard would be created
- Would impair the integrity of the district or derogate from the intent and purpose of the Zoning Ordinance
- Inconsistent with citywide urban design objectives



# Specific Criteria

- Access/egress is convenient, safe, secure
- Loading, refuse, and service are appropriately managed  
*(logistics plan reviewed by TP&T)*
- Design is compatible with the area, aesthetic impacts of security requirements are mitigated
- Availability of medical cannabis will not be reduced

## Removed from current zoning:

- Must serve an area that is not already served  
(difference between original medical marijuana law and new adult-use law)
- Transportation analysis (not typically required for retail or small-scale manufacturing)

## New required information:

- Status of host community agreement



# Design Considerations





# Additional Planning Board Considerations

## *Modifications to petition:*

- Clarify design intent – ground-floor transparency is preferred, but could be mitigated by public art or other measures.
- How will the Planning Board consider impacts on medical cannabis availability?
- Clarify restrictions on home deliveries.

## *Future considerations:*

- Can this be regulated as-of-right?
- Are mobile facilities possible?
- Will parking be adequate?



# Other (Non-Zoning) Considerations

- Host community agreements
- Public health & public safety
- Local social equity programs
- Local tax



# More Information

- **Massachusetts Cannabis Control Commission**  
<https://mass-cannabis-control.com/>
- **Medical Use of Marijuana Program (Mass. Dept. of Public Health)**  
<https://www.mass.gov/medical-use-of-marijuana-program>
- **Cambridge Cannabis Zoning**  
<https://www.cambridgema.gov/CDD/Projects/Zoning/Cannabis>





**Thank You**